

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:12-CV-00113-FDW-DCK**

**PRIMO PRODUCTS, LLC,**

**Plaintiff,**

**v.**

**ELECTROTEMP TECHNOLOGIES  
CHINA, INC.,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court upon Plaintiff Primo Products, LLC and Defendant Electrotemp Technologies China, Inc.’s Joint Notice of Commencement of Arbitration. (Doc. No. 26). Previously, this Court ordered that this case “is stayed beginning when the parties formally enter arbitration.” (Doc. No. 15). The Notice, signed by counsel for Plaintiff and counsel for Defendant, informed the Court that Plaintiff and Defendant have begun arbitration “and, accordingly, that the above captioned action is therefore stayed pending the outcome of the parties’ arbitration.” (Doc. No. 26). Staying court proceedings for arbitration is a judicial action, and not something the parties can agree to on their own accord. However, as the Court has previously granted a stay beginning upon the formal commencement of arbitration proceedings, the Court hereby **ORDERS** that this case is **STAYED**. Furthermore, as required in the Court’s prior Order, (Doc. No. 15), the parties are also hereby **ORDERED** to submit a status report to the Court on the progress of arbitration every ninety (90) days, and to notify the Court within ten (10) days of a final ruling in arbitration.<sup>1</sup> The Court will continue to have jurisdiction over this matter until its final


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<sup>1</sup> The Court’s prior Order also required the parties to notify the Court within ten (10) days that arbitration had commenced. (Doc. No. 15). The Notice is dated October 29, 2012, (Doc. No. 26), but it is not clear to the Court from the Notice whether commencement formally began on that date or not.

disposition.

IT IS SO ORDERED.

Signed: November 6, 2012

  
Frank D. Whitney  
United States District Judge

